

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Cody Bill Harmon and
Christi Dawn Harmon,

Respondents.

AWA Docket No.

12-0142

Complaint

There is reason to believe that the Respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Cody Bill Harmon and Christi Dawn Harmon, hereinafter referred to as Respondents, are individuals whose mailing address is 28624 Highway 32, Lebanon, Missouri 65536.

B. The Respondents, at all times material hereto, were not licensed under the Act and the regulations.

II

Respondents, at all times material herein, were operating as dealers as defined in the Act and the regulations, without having obtained a license, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and subsection 2.1(a)(1) of the regulations (9 C.F.R. § 2.1(a)(1)). Respondents sold, in commerce, dogs on approximately fifteen occasions. The sale of each animal constitutes a separate violation.

Each violation occurred on or about the date listed in the following table:

DATE	ANIMALS	DATE	ANIMALS
09/04/08	9 puppies	05/04/09	8 puppies
09/15/08	3 puppies	05/18/09	1 puppy
12/17/08	6 puppies	05/25/09	2 puppies
02/04/09	4 puppies	07/13/09	3 puppies
02/16/09	8 puppies	12/07/09	1 puppy
03/02/09	7 puppies	12/14/09	7 puppies
03/09/09	9 puppies	12/19/09	2 puppies
03/16/09	1 puppy		

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the Respondents. The Respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the Respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:
 - (a) Requiring the Respondents to cease and desist from violating the Act and the regulations and standards issued thereunder, and

(b) Assessing civil penalties against the Respondents in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.

this 19th day of Dec., 2011

Acting


Administrator
Animal and Plant Health Inspection Service

BUREN W. KIDD
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